

Remarks

Claims 2-7, 9, 11, 16, 19, 20, 27 and 28 are pending in the application and stand rejected. Favorable reconsideration is respectfully requested.

Claims 27 and 28 were objected to. Withdrawal of the objection is respectfully requested in view of the amendments set forth above.

Claims 11 and 20 were rejected under 35 USC 112, 1st par. Withdrawal of the rejection is respectfully requested in view of the amendments set forth above.

Claims 5, 7, 11, and 20 were rejected under 35 USC 112, 2nd par. Withdrawal of the rejection is respectfully requested in view of the amendments set forth above.

Claims 2-5, 7 and 27 were rejected under 35 USC 102(b) as being anticipated by Wilkinson et al. ("Wilkinson") (US 5,521,018). To anticipate a claim under § 102, a single prior art reference must identically disclose each and every claim element. See Lindeman Maschinenfabrik v. American Hoist and Derrick, 730 F.2d 1452, 1458 (Fed. Cir. 1984). If any claimed element is absent from a prior art reference, it cannot anticipate the claim. See Rowe v. Dror, 112 F.3d 473, 478 (Fed. Cir. 1997). In view of the foregoing authority, the Applicant respectfully submits that the cited reference does not support the asserted rejection.

Independent claim 27 has been amended above to recite "... at least one of the plates having thereon a single coat layer ...". Wilkinson is completely silent concerning such a single coat layer and accordingly cannot support the asserted rejection for anticipation. Claim 27 is therefore allowable over Wilkinson. Claims 2-5 and 7 depend on claim 27 and accordingly are allowable over Wilkinson for at least the reasons discussed in connection with claim 27. Withdrawal of the rejection of claims 2-5, 7 and 27 as anticipated by Wilkinson is therefore respectfully requested.

Claims 2-7, 9, 11, 16, 19, 20, 27 and 28 were rejected under 35 USC 102(e) as being anticipated by Yoshimura et al. ("Yoshimura") (US 6,291,094 B1). Yoshimura also fails to support the asserted rejection for at least the reason that Yoshimura does not disclose a *single* coat layer as required by claims 27 and 28, and consequently also required by the claims dependent thereon. Accordingly, withdrawal of the rejection of claims 2-7, 9, 11, 16, 19, 20, 27 and 28 as anticipated by Yoshimura is respectfully requested.

Claims 3-5 and 27 were rejected under 35 USC 102(e) as anticipated by or, in the alternative, under 35 USC 103(a) obvious in view of Mukohyama et al. ("Mukohyama") (US 5,798,188). Requirements for sustaining a rejection for anticipation have been outlined above. To establish a prima facie case of obviousness under § 103, all claim limitations of a claimed invention must be taught or suggested by the prior art. See MPEP, Section 2143.03 and In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

In view of the foregoing, the Applicant respectfully submits that Mukohyama does not anticipate or render obvious the claimed invention for at least the reason that Mukohyama does not disclose or suggest "each of the two plates further being bonded on another face thereof to the other one of the two plates" as required by claim 27 and consequently, the claims dependent thereon. More specifically, if, as appears to be the case, the Examiner is alleging that the element indicated by reference no. 4 of Mukohyama corresponds to the claimed plates, it is observed that element 4 is not shown bonded to the face of a corresponding element. Consequently, claims 3-5 and 27 are allowable over Mukohyama. Withdrawal of the rejection of claims 3-5 and 27 as anticipated by or, in the alternative, obvious in view of Mukohyama is therefore respectfully requested.

Claim 5 was rejected under 35 USC 103(a) as being unpatentable over Mukokiyama in view of Walsh (US 6,096,450). Claim 5 depends on claim 27 and therefore incorporates its limitations. Deficiencies in Mukohyama with respect to supporting a rejection of claim 27 under section 103 have been noted above. Walsh does not cure the deficiencies in Mukohyama and therefore this combination of references cannot render claim 5 obvious. Withdrawal of the rejection of claim 5 as being unpatentable over Mukokiyama in view of Walsh is therefore respectfully requested.

Claim 5 was further rejected under 35 USC 103(a) as being unpatentable over Yoshimura in view of Walsh. However, Yoshimura is disqualified as prior art under section 103 because Yoshimura only qualifies as prior art under 35 USC 102(e), and the subject matter of Yoshimura and the claimed invention were, at the time the claimed invention was made, owned by or subject to an obligation of assignment to Toyota

Jidosha Kabushiki Kaisha, a corporation of Japan. See 35 USC 103(c). As evidence thereof, the clear and conspicuous statement below is provided by the undersigned attorney of record in the present application (see MPEP 706.02(I)(2)(II)):

STATEMENT OF COMMON OWNERSHIP

Application 09/719,721 and Patent 6,291,094 B1 were, at the time the invention of application 09/719,721 was made, owned by or subject to an obligation of assignment to Toyota Jidosha Kabushiki Kaisha, a corporation of Japan.

In view of the above, Yoshimura cannot be applied under section 103 to reject claim 5, and Walsh does not independently render claim 5 obvious. Accordingly, withdrawal of the rejection of claim 5 as being unpatentable over Yoshimura in view of Walsh is respectfully requested.

Claim 6 was rejected under 35 USC 103(a) as being unpatentable over Wilkinson in view of Cisar et al. (US 6,146,780), and further rejected under 35 USC 103(a) as being unpatentable over Wilkinson in view of Wilson et al. (US 6,037,072).

Claim 6 includes the limitations of claim 27 by dependency thereon. Wilkinson does not teach or suggest the invention recited in claim 27 for at least the reasons discussed above. Cisar et al. and Wilson et al. do not cure the deficiencies in Wilkinson with respect to claim 27. Withdrawal of the above-noted rejections of claim 6 under 35 USC 103(a) is therefore respectfully requested.

In light of the above discussion, the Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

Dated: June 23, 2004

By:


William E. Curry
Reg. No. 43,572

KENYON & KENYON
1500 K Street, N.W., Suite 700
Washington, D.C. 20005
Tel: (202) 220-4200
Fax: (202) 220-4201